

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

LYDIA IDANIS OTERO ENCARNACION

DEBTOR(S)

CASE NO. 20-02873-EAG

CHAPTER 13

****AMENDED DOCUMENT******TRUSTEE'S REPORT ON CONFIRMATION**

1. The applicable commitment period (years) is: 3
2. The liquidation value of the estate is :\$ 4,116 (PV: \$4,774)
3. The general unsecured pool is :\$ 0

AMENDED PLAN DATE: November 16, 2021

PLAN BASE: \$68,400.00

TRUSTEE'S REPORT ON CONFIRMATION DATED: 2/14/2022

FAVORABLE



UNFAVORABLE

1. [X] FAILS LIQUIDATION VALUE TEST § 1325(a)(4):

Plan does not comply with the present value of \$5,949 disclosed in part 5.1 of the plan since only distribute \$3,464.61. Trustee hereby notes that the correct present value is \$4,774.

[X] OTHER:

1) Part 2.4 should include the location of debtor's residence located at Veredas del Mar, Vega Baja, considering that she has her real property and an interest in an inheritance property. In addition, amount of the lump sum payment needs to be disclosed at \$43,000. 2) Pending motion to allow the filing of late claim to creditor Condominio Veredas del Mar. As to the last debtor has failed to address Court order at dkt. 77 in which debtor was required to supplement the Motion to File Claim After Claims Bar Date (docket #66) pursuant to PR LBR 9013-1(c)(1) with the corresponding objection language and giving notice to all parties in interest. 3) Proof of claim # 05 filed by debtor's attorney on behalf of Condominio Veredas del Mar includes account statements detailing pre and post -petition arrears, however, the proof of claim disclose the pre -petition amount. If debtor's intention is to pay all debt, pre-petition and post arrears, it is important that the claim is reviewed and this amount is included in the total to be claimed. 4) Secured creditor Federico Robles Collazo filed objection to confirmation alleging that the proposed plan is insufficiently funded, lack of feasibility since the lump sum of \$43,500 to be paid at month 60 is speculative. 5) Debtor has yet to comply with Court Order of 01 -27-2022 (Dkt. 88).

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

/s/ Miriam Salwen Acosta

Miriam Salwen Acosta

Atty: JUAN O CALDERON

USDC # 208910

ALEJANDRO OLIVERAS RIVERA

Chapter 13 Trustee

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CMC - WG